

Exhibit A

**SPECIAL PROCESS SERVER****IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI**

Judge or Division: CRAIG KENNEDY HIGGINS	Case Number: 2122-AC03134	Special Process Server 1 M TOMLIN
Plaintiff/Petitioner: WILLIAM HARPER	Plaintiff's/Petitioner's Attorney/Address or Pro Se's Address/Telephone Number: RICHARD ANTHONY VOYTAS ROSS & VOYTAS LLC 2242 S BRENTWOOD BLVD SAINT LOUIS, MO 63144 (314) 394-0605	Special Process Server 2
Defendant/Respondent: MERCANTILE ADJUSTMENT BUREAU LLC		Special Process Server 3
Nature of Suit: AC Other Tort	Date, Time and Location of Court Appearance: 05-MAY-2021 09:30 AM Division 28 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101 Please see the attached information for appearing via WebEx. WebEx connection information may also be found at http://www.stlcircourt.com/	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri
(Associate Division Cases)**

The State of Missouri to: MERCANTILE ADJUSTMENT BUREAU, LLC

Alias:

801 ADLAI STEVENSON DRIVE
SPRINGFIELD, IL 62703

CITY OF ST LOUIS

You are summoned to appear before this court physically if the court is open to the public or virtually if not on the date, time and location above, to answer the allegation in the petition filed by the above-named plaintiff/petitioner, a copy of which is attached. If you fail to appear at the time and place stated in this summons, judgment by default will be taken against you for the relief demanded in the petition.**Due to COVID19 challenges, virtual appearances by Webex.com are required until further order of this Court.**

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

April 2, 2021

Date

Further Information:

Officer's or Server's Affidavit of Service

Note to serving officer: Service must not be made less than 10 days nor more than 60 days from the date the defendant/respondent is to appear in court.

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state)
- I have served the above summons by: (check one)
 - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - (for service on a corporation) delivering a copy of the summons and a copy of the petition to: _____ (name) _____ (title).
 - other: _____

Served at _____ (address) in _____ County,
_____ (state) on this _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one) the clerk of the court of which affiant is an officer. the judge of the court of which affiant is an officer. authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer) authorized to administer oaths. (use for court-appointed server)

Signature and Title

Information For Virtual Appearances via Webex Associate Circuit Civil Cases – Page 1

During the Coronavirus pandemic (COVID-19) , the 22nd Judicial Circuit (St. Louis City) has remained open and operational with limited access for in-person appearances pursuant to Missouri Supreme Court Orders and Operational Directives. Until further court order, all associate civil cases pending in Divisions 28 will be conducted virtually via the Webex or other court approved video technology.

In order to participate through Webex or other court approved video technology, you **MUST** have a valid email address or access to a phone.

You may appear in one of three ways:

1. Attend by Webex or other court approved video technology (computer or smart phone);
2. Attend by Webex or other court approved audio technology (telephone);
3. Only appear in person if you have been informed that Division 28 will conduct in person proceedings on the date your hearing is set.

To check on your case by telephone call Division 28 at 314-613-3185 or the circuit clerk's office at 622-4433 during regular business hours.

You can access your case online on CaseNet at www.courts.mo.gov

If you fail to appear at your scheduled Court hearing by one of the three methods above, a default judgment may be entered against you.

To appear at the Webex hearing please follow the steps below:

Parties are required to appear in court on the date ordered physically if the courthouse is open for your specific proceeding or virtually using the below URL link and/or Audio Connection with the Meeting Number/Access Code 961 544 759

Information For Virtual Appearances via Webex Associate Circuit Civil Cases – Page 1

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URL:

<https://mocourts.webex.com/meet/craig.higgins/>

Meeting Number:

967 395 750

Video Address:

craig.higgins@mocourts.webex.com

Audio connection:

United States Toll +1-408-418-9388

Access code:

967 395 750

Additional Information For Self-Represented Litigants on Associate Circuit Civil Cases – Page 2

1. The WebEx app is free and available through all phone app stores, such as the Google Play store or iTunes. The call in number is a toll call.
2. At the time of your scheduled hearing, you should log into Webex or call in using the audio connection above.
3. If you have any questions, please call the **Division 28 court clerk at 314-613-3185**.
4. **VIDEO OR AUDIO RECORDING by litigants or by counsel IS PROHIBITED.**
5. Until your next court date, please consider the following:
 - You can monitor the status of your case online on CaseNet at www.courts.mo.gov. Use the “Track this Case” feature to automatically receive emails or text messages about your case.
 - Before coming to the courthouse, please check the St. Louis City Circuit Court website at www.stlcircuitcourt.com to determine whether the courthouse will be open on the day of your scheduled court hearing.
 - To check on your case by telephone call **Division 28 at 314-613-3185 or the circuit clerk's office at 622-4433** during regular business hours. Due to the increased volume of calls, court clerks may not be available at all times to answer questions via telephone.
 - You have the right to hire an attorney to represent you.
 - Attorneys must **mark and e-file** all documents.
 - If you are not represented by a lawyer, you may file answers or other pleadings with the court by mail, or when the Court is open to the public come in person to the St. Louis City Circuit Clerk's office, **10 North Tucker, St. Louis, MO 63108**.
 - Parties are encouraged, but in no way required, to engage in settlement discussions regarding their cases. If a settlement is reached, a Consent Judgment resolving the case may be filed with the court. A consent judgement must be signed by all the parties and dated.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI
ASSOCIATE DIVISION

WILLIAM HARPER

Plaintiff,

v.

MERCANTILE ADJUSTMENT BUREAU,
LLC,

Serve at:
Illinois Corporation Service C
801 Adlai Stevenson Drive
Springfield, IL 62703

Defendant.

Case No

Division

JURY TRIAL DEMANDED

PETITION

COMES NOW William Harper (“Plaintiff”), by and through his undersigned counsel, and for his petition states as follows:

INTRODUCTION

1. This is an action for actual and statutory damages brought to the Court by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d), as Defendant's collection activity was directed to Plaintiff at his residence in Missouri. Plaintiff suffered the harms described herein in Missouri. Venue is proper in the City of St. Louis, Missouri for this reason.

PARTIES

4. Plaintiff is a natural person currently residing in St. Louis, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA.

5. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions. Specifically, the alleged debt arose from consumer purchases of goods and services Plaintiff made on his Bank of America account.

6. Plaintiff has a bona-fide dispute of the debts. While Plaintiff did purchase consumer goods and services on his Bank of America account, the balance alleged of \$9,488.87 is not accurate to the best of Plaintiff's understanding as it overstates any amount that could be due or owing to Defendant.

7. Defendant Mercantile Adjustment Bureau, LLC ("Defendant") is a foreign limited liability company with its principal place of business located outside the State of Missouri.

8. The principal business purpose of Defendant is the collection of debts nationwide; Defendant regularly attempts to collect debts alleged to be due to another entity.

9. Defendant is engaged in the collection of debts from consumers through means of using mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C. §1692a(6).

FACTS

10. Defendant's collection activity, of which Plaintiff disputes, occurred within the previous twelve (12) months.

11. On November 24, 2020, Defendant attempted to collect the alleged consumer debt from Plaintiff via mail by sending its collection letter to Plaintiff. Plaintiff received this collection letter on or about November 30, 2020, which stated a balance of \$9,488.87.

12. Plaintiff had many debts and could no longer manage them without the assistance of an attorney, and so, on or around January 2021, Plaintiff hired an attorney to advise him with respect to the debt that Defendant was trying to collect.

13. Plaintiff called Defendant on or about January 22, 2021 to dispute the debt and notify them of his attorney representation.

14. Defendant confirmed Plaintiff's identity and reported a balance due of \$9,488.87.

15. Plaintiff then disputed the debt with Defendant. Plaintiff also provided a reason for disputing the alleged debt, telling Defendant he did not have confirmation of the alleged balance.

16. Rather than acknowledging Plaintiff's dispute, Defendant continued to attempt to collect the debt. Specifically, Defendant told Plaintiff that "You stopped making payments in July of 2019" and "You were charged off over \$7000.00" in an attempt to get Plaintiff to pay on the debt.

17. This was a collection communication that overshadowed Plaintiff's dispute rights and caused him to believe that Defendant would not honor his right to dispute the debt or that he had no right to dispute the debt.

18. Plaintiff went on to notify Defendant of his attorney representation on the debt.

19. Rather than taking Plaintiff's attorney's contact information and ending the call, Defendant proceeded to ignore Plaintiff and continue attempting to collect the debt. Specifically, Defendant asked Plaintiff "Anything in particular that caused you to fall behind with Bank of America?"

20. This was an attempt to collect the debt from Plaintiff and to bypass Plaintiff's retained counsel by trying to get Plaintiff to settle the debt directly with Defendant.

21. Defendant's conduct showed blatant disregard for Plaintiff's right to cause debt collection communications to stop upon disputing the debt and providing notice of attorney representation on the debt.

22. Defendant's above-described conduct has caused Plaintiff to incur actual damages including but not limited to attorneys' fees paid to his counsel, anxiety, frustration, and worry.

23. Further, Defendant's above-described conduct has caused Plaintiff to suffer the following additional injuries in fact:

- a. Plaintiff has been deprived of his statutorily created right to dispute a debt.
- b. Plaintiff has been deprived of his statutorily created right to cause collection activity to cease upon provision of his attorney's contact information.

24. The injuries in fact are fairly traceable to the challenged actions of the Defendant in that the Defendant engaged in the phone call with Plaintiff and sent Plaintiff the collection letters.

25. Plaintiff's injuries in fact are likely to be redressed by a favorable decision in this Court.

COUNT I: VIOLATION OF THE FDCPA

26. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.
27. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. § 1692 et seq., including, but not limited to, the following:
 - a. Overshadowing Plaintiff's dispute rights. 15 U.S.C. § 1692g.
 - b. Depriving Plaintiff of his statutorily created right to cause debt collection communication to cease upon provision of his attorney's contact information. 15 U.S.C. § 1692c.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages in an amount to be determined by the jury;
- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

Respectfully submitted,

ROSS & VOYTAS, LLC

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